



**WASHINGTON MILITARY DEPARTMENT
Emergency Management Division**

**Hazard Mitigation Grant Program
Applicant Appeal Process - State Level**

I. CRITERIA FOR APPEAL

Jurisdictions may appeal a decision of the Mitigation Grant Review Committee based on the following:

- A. Failure by the Committee to follow established processes as outlined in the state's processes as outlined herein.
- B. Arbitrary or capricious decisions by the Committee.

II. APPEAL PROCESS AND TIME-LINE

All jurisdictions will be provided formal notification of their recommended/non-recommended status which will be forwarded to the Military Department, EMD Director.

- A. Those jurisdictions initially recommended will be notified if there is, or is not, an appeal of the Committee's recommendations being processed.
 - An appeal will delay all recommendations being forwarded to the EMD Director, until the appeal process is complete.
 - A successful appeal may result in a re-ranking of the recommended projects and could affect funding for any particular project.
- B. Those projects not being recommended by the Committee will be provided the specific non-recommendation. Should an applicant wish to appeal the non-recommendation of their project, they must:
 - Within **15** days of receipt of formal notice of non-recommendation, respond in writing to the specific items causing non-recommendation, with full justification or clarification to the Mitigation Grant Review Committee.
 - The Committee will review the appeal, make such additional investigations as necessary, and forward the appeal with a written recommendation to the Director of Emergency Management.
- C. The Emergency Management Division Director will review the material submitted and make any additional investigations as deemed appropriate.
 - The jurisdiction will be notified of the Director's decision within ten days following the Department's receipt of the formal "Appeal of Determination" packet.

- D. If the Director of the Emergency Management Division denies the appeal:
- The original list of recommendations by the Committee will be forwarded to The Adjutant General, State Military Department, with a copy of the appeal results.
 - All applicants will be notified of the appeal recommendation results and the appeal process has been completed.
- E. If the Director finds in favor of the appeal, the Mitigation Grant Review Committee will be instructed to take appropriate implementing actions, which include:
- The entire listing of recommendations will be re-ranked.
 - Affected jurisdictions will be notified and not be allowed to appeal this decision.
 - A revised recommendation packet will be forwarded to The Adjutant General, State Military Department, with appropriate documentation and explanation of appeal results.
- F. All decisions of The Adjutant General, State Military Department, are final.

III. CRITERIA FOR SELECTION

The project must meet federal eligibility criteria referenced in CFR 44, 206.434. To be eligible, the project must demonstrate that it:

- A. Conforms with the State Hazard Mitigation Plan and a local mitigation plan (322).
- B. Has a beneficial impact on the disaster-affected area.
- C. Conforms with Executive Order 11988 on Floodplain Management, and Executive Order 11990 on Protection of Wetlands. (See CFR 44, Part 9 and/or Part 10.)
- D. Solves a problem independently or will be a functional part of a solution with assurance that the whole project will be completed. (Projects that merely identify or analyze the hazard or problem are **not eligible**.)
- E. Will be cost-effective and **substantially** reduce risk of future damage, hardship, loss, or suffering. This must be demonstrated by documenting that the project:
1. Addresses a repetitive problem, or one that poses a **significant** risk to public health and safety if left unsolved.
 2. Will not cost more than the anticipated value of the reduction in both direct damages and subsequent negative impacts to the area if future disasters were to occur.
 3. Has been determined to be the most practical, effective, and environmentally-sound alternative after consideration of a **range** of options.
 4. Contributes, to the extent practicable, a long-term solution.

5. Considers long-term changes to the areas and entities it protects, and has manageable future maintenance and modification requirements.

IV. CRITERIA FOR NON-SELECTION

These are the established criteria for **NON-SELECTION** of applications for recommendation to the Director of Emergency Management and the Federal Emergency Management Agency for funding:

- A. Application and/or supporting materials were not received by the deadline.
- B. Grant request exceeds established funding limits.
- C. Project does not meet eligibility criteria in CFR 44, 206.434, or fails to meet scoring minimums based upon eligibility criteria. (Please See III above.)
- D. Project does not meet National Environmental Policy Act requirements for early, documented public input in the selection of alternatives.
- E. Projects that merely identify or analyze the hazard or problem (studies) are not eligible.
- F. Hazard Mitigation (Section 404) funds **cannot** be used as a **substitute** or **replacement** to fund projects or programs that are available under other federal authorities, except when there are limited circumstances such as extraordinary threats to lives, public health or safety, or improved property.
- G. Projects are not recommended by the Mitigation Review Committee. Applications are scored by a committee of up to five individuals from state and/or local governments. Composite scores are used to assign ranking order. The Committee then derives their list of projects for recommendation by a combination of:
 1. Composite score
 2. Geographical mix
 3. Funding amounts per community
 4. Other available sources of funding
 5. Grant funds available
 6. Number of grants currently active (A jurisdiction may have no more than four (4) active grant projects.)
 7. Past HMGP participation and results